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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/666,104	09/20/2000	Joseph G. Barrett	06975-074001	5691
26171	7590	10/04/2004	EXAMINER	
FISH & RICHARDSON P.C. 1425 K STREET, N.W. 11TH FLOOR WASHINGTON, DC 20005-3500			BAUGH, APRIL L	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/666,104

Applicant(s)

BARRETT ET AL.

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claims Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-36 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,757,836 to Kumar et al. in view of Davis (US Patent No. 5,877,724).

Regarding claims 1, 15, and 21, Kumar et al. teaches a method and system for securing an access provider, the method comprising: monitoring communications with at least one access provider for a partially-completed connection transaction (column 5, lines 27-29 and column 6, lines 10-26 and 44-54); and terminating the partially-completed connection transaction (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Kumar et al. does not teach a period of time that exceeds a threshold period of time. Davis teaches terminating the partially-completed connection transaction when the partially-completed connection transaction remains in existence for a period of time that exceeds a threshold period of time (column 11, lines 17-25 and column 12, lines 19-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the apparatus for resolving partial connectivity of Kumar et al. by having a period of time that exceeds a threshold period of time because this frees up the system for other connection attempts.

Regarding claims 2, 16, and 22, Kumar et al. teaches the method as in claims 1 and 15 and 21, wherein the monitoring comprises: detecting partially-completed connection transactions initiated by an access requestor (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Kumar et al. does not teach a period of time that exceeds a threshold period of time. Davis teaches measuring the period of time that a partially-completed connection transaction remains in existence (column 11, lines 17-25 and column 12, lines 19-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the apparatus for resolving partial connectivity of Kumar et al. by having a period of time that exceeds a threshold period of time because this frees up the system for other connection attempts.

Regarding claims 3 and 23, Kumar et al. teaches the method as in claims 2 and 21, (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Kumar et al. does not teach a period of time that exceeds a threshold period of time. Davis teaches monitoring further comprises comparing the period of time with the threshold period of time (column 11, lines 17-25 and column 12, lines 19-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the apparatus for resolving partial connectivity of Kumar et al. by having a period of time that exceeds a threshold period of time because this frees up the system for other connection attempts.

Regarding claims 11 and 31, Kumar et al. teaches the method as in claims 1 and 21, (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

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Kumar et al. does not teach a period of time that exceeds a threshold period of time. Davis teaches wherein the threshold period of time is configurable such that the terminating comprises terminating the partially-completed connection transaction when the partially-completed connection transaction remains in existence for a period of time that exceeds a configurable threshold period of time (column 11, lines 17-25 and column 12, lines 19-29). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the apparatus for resolving partial connectivity of Kumar et al. by having a period of time that exceeds a threshold period of time because this frees up the system for other connection attempts.

Regarding claims 4, 17, and 24, Kumar et al. teaches the method as in claims 1, 15, and 21, wherein the monitoring comprises detecting partially-completed connection transactions (column 5, lines 27-29 and column 6, lines 10-26 and 44-54) that occur when an access requestor initiates a connection transaction and the access requestor subsequently fails to send a reply (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Regarding claims 5, 18, and 25, Kumar et al. teaches the method as in claims 4, 17, and 24, wherein the monitoring comprises detecting partially-completed connection transactions (column 5, lines 27-29 and column 6, lines 10-26 and 44-54) that occur when an access requestor initiates a connection transaction based on a return address that differs from an actual return address of the access requestor (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Regarding claims 6 and 26, Kumar et al. teaches the method as in claims 5 and 25, wherein the monitoring comprises detecting partially-completed connection transactions (column 5, lines 27-29 and column 6, lines 10-26 and 44-54) wherein the return address is an Internet

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protocol address that differs from the actual return address of the access requestor (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Regarding claims 7 and 27, Kumar et al. teaches the method of claims 1 and 21, wherein the monitoring comprises monitoring communications with the at least one access provider based on TCP communications for partially-completed connection transactions (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Regarding claims 8, 19, and 28, Kumar et al. teaches the method as in claims 7, 15, and 27, wherein the monitoring comprises monitoring a process whereby an access requestor sends a SYN request and the at least one access provider sends a SYN acknowledgement (Fig. 3, 4a, 4b and column 3, lines 18-24 and 35-43).

Regarding claims 9 and 29, Kumar et al. teaches the method as in claims 1 and 21, wherein the monitoring comprises monitoring communication with a plurality of access providers for partially-completed connection transactions (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claims 10 and 30, Kumar et al. teaches the method as in claims 1 and 21, wherein the terminating comprises resetting a communication port located on the at least one access provider (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claims 12, 20, and 32, Kumar et al. teaches the method as in claims 2, 16, and 22, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between at least one client and at least one host (Fig. 2a and column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claims 13 and 33, Kumar et al. teaches the method as in claims 2 and 22, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between at least one client and a plurality of host (Fig. 2a and column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claims 14 and 34, Kumar et al. teaches the method as in claims 2 and 22, wherein the access requestor is a client and the access provider is a host such that the monitoring comprises detecting partially-completed connection transactions between a plurality of clients and at least one host (Fig. 2a and column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claim 35, Kumar et al. teaches the system of claim 21, wherein the monitoring component and the terminating component are included in a switch that receives communications from a host computer system (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

Regarding claim 36, Kumar et al. teaches the system of claim 21, wherein the monitoring component and the terminating component are included in a host computer system that receives communications from a switch (column 5, lines 27-29 and column 6, lines 10-26 and 44-54).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. As it relates to securing access providers in general: Cox et al., Beck, Arkko et al., and Cunningham et al.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALB



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